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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,230	09/25/2001	Michael J. Payne	42390P12154	7879

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EXAMINER

SKED, MATTHEW J

ART UNIT

PAPER NUMBER

2655

DATE MAILED: 05/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/965,230

Applicant(s)

PAYNE ET AL.

Examiner

Matthew J Sked

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/27/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/29/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. The objection to the abstract is withdrawn in view of the amendment.
2. The objection to the disclosure is withdrawn in view of the applicant's arguments.
3. Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 11-13 and 21-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Houser et al. (U.S. Pat. 5,774,859).

As per claims 1, 11 and 21, Houser teaches a computer-implemented method that necessarily resides on a computer-readable medium to select a process from an information display by speaking comprising:

defining a bounded region on the information display (suitable control vocabulary words prompted on screen as part of EPG windowing, col. 24, lines 1-13 and Fig. 12);

associating at least a part of said bounded region with a color, wherein said color is used to indicate that the process is speech enabled (text which may be spoken as a command is highlighted, col. 24, lines 1-13); and

relating a command with said bounded region where said command causes the process to be selected when spoken (user controls the EPG, VCR and television with spoken word corresponding to the vocabulary displayed on the screen, col. 24, lines 35-59).

6. As per claims 2, 12, and 22, Houser teaches the information display to be two-dimensional (display is a television screen, col. 24, lines 35-59).

7. Regarding claims 3, 13, and 23, Houser teaches the bounded region is in a shape of a square (Fig. 12).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Houser.

Houser does not specifically teach or suggest using color when the process has been selected.

However, the Examiner takes Official Notice that it is commonly known to highlight a user's choice in an interface. Thus, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Houser to use color when a process has been selected so as to verify the user's selection.

10. Claims 5-10, 14-20 and 24-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Houser as applied to claims 1, 11 and 21 above, and further in view of Ortega (U.S. Pat. 6,085,159).

As per claims 5, 14 and 24, Houser teaches a computer-implemented method that necessarily resides on a computer-readable medium to select a process from an information display by speaking comprising:

defining a bounded region on the information display (suitable control vocabulary words prompted on screen as part of EPG windowing, col. 24, lines 1-13 and Fig. 12);

associating at least a part of said bounded region with a color, wherein said color is used to indicate that the process is speech enabled (text which may be spoken as a command is highlighted, col. 24, lines 1-13); and

relating a command with said bounded region where said command causes the process to be selected when spoken (user controls the EPG, VCR and television with spoken word corresponding to the vocabulary displayed on the screen, col. 24, lines 35-59).

Houser does not teach associating a second region of the information display with said bounded region.

Ortega teaches associating a second region of the information display with said bounded region (displaying information associated with a field in the original window in another window, col. 3, lines 23-27).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Houser to associate a second region of the

information display with said bounded region as taught by Ortega because this would allow the corresponding information associated with each selection to be displayed without disturbing the list of commands.

11. As per claims 6, 15 and 25, Houser teaches the information display to be two-dimensional (display is a television screen, col. 24, lines 35-59).

12. Regarding claims 7, 16, and 26, Houser teaches the bounded region is in a shape of a square (Fig. 12).

13. As per claims 8, 18 and 27, Houser teaches a computer-implemented method that necessarily resides on a computer-readable medium to select a process from an information display by speaking comprising:

defining a bounded region on the information display (suitable control vocabulary words prompted on screen as part of EPG windowing, col. 24, lines 1-13 and Fig. 12);

associating at least a part of said bounded region with a color, wherein said color is used to indicate that the process is speech enabled (text which may be spoken as a command is highlighted, col. 24, lines 1-13); and

relating what is implied by a graphical command with said bounded region where said command causes the process to be selected when spoken (user controls the EPG, VCR and television with spoken word corresponding to the vocabulary displayed on the screen, col. 24, lines 35-59).

Houser does not teach associating a second region of the information display with said bounded region.

Ortega teaches associating a second region of the information display with said bounded region (displaying information associated with a field in the original window in another window, col. 3, lines 23-27).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Houser to associate a second region of the information display with said bounded region as taught by Ortega because this would allow the corresponding information associated with each selection to be displayed without disturbing the list of commands.

14. As per claims 9, 19 and 28, Houser teaches the information display to be two-dimensional (display is a television screen, col. 24, lines 35-59).

15. Regarding claims 10, 20, and 29, Houser teaches the bounded region is in a shape of a square (Fig. 12).

16. As per claims 17 and 30, Houser and Ortega do not specifically teach or suggest using color when the process has been selected.

However, the Examiner takes Official Notice that it is commonly known to highlight a user's choice in an interface. Thus, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Houser to use color when a process has been selected so as to verify the user's selection.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kikinis et al. (U.S. Pat. Pub. 2002/0019732) teaches notifying the availability of interactive functions to the user by changing background colors.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J Sked whose telephone number is (571) 272-7627. The examiner can normally be reached on Mon-Fri (8:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L Ometz can be reached on (571)272-7593. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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5/3/05



DAVID L. OMETZ
PRIMARY EXAMINER